

01-19-05

PATENT

AP/2672

In The United States Patent And Trademark Office

Appl. No.: 09/698,077  
Applicant(s): Kenneth Wills  
Filed: October 30, 2000  
Art Unit: 2672  
Examiner: Thu Thao Havan  
Title: METHODS AND SYSTEMS FOR INFORMATION  
SEARCH AND RETRIEVAL



Confirmation No.: 3296

Docket No.: 043474/256751  
Customer No.: 00826

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

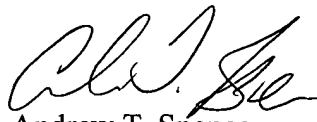
APPEAL BRIEF TRANSMITTAL  
(PATENT APPLICATION – 37 C.F.R. § 41.37)

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on November 18, 2004.
2. ☐ Applicant claims small entity status.
3. Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:  
☐ small entity \$250.00  
☒ other than small entity \$500.00

Appeal Brief fee due \$500.00

- ☒ Any additional fee or refund may be charged to Deposit Account 16-0605.

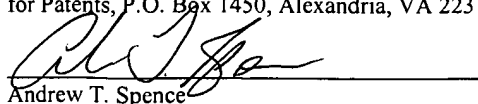
Respectfully submitted,

  
Andrew T. Spence  
Registration No. 45,699

CUSTOMER NO. 00826  
ALSTON & BIRD LLP  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

"Express Mail" mailing label number EV 455678353US  
Date of Deposit January 18, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Appeal Brief-Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Andrew T. Spence



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/698,077 Confirmation No.: 3296  
Applicant(s): Kenneth Wills  
Filed: October 30, 2000  
Art Unit: 2672  
Examiner: Matthew Luu  
Title: METHODS AND SYSTEM FOR INFORMATION SEARCH AND  
RETRIEVAL

Docket No.: 043474/256751  
Customer No.: 00826

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF UNDER 37 CFR § 41.37**

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed November 18, 2004. Concurrent with this Appeal Brief, Applicants also filed an Amendment pursuant to 37 C.F.R. § 1.116 canceling pending Claims 17-28. For purposes of this Appeal Brief Applicants presume entry of the aforementioned Amendment.

1. ***Real Party in Interest.***

The real party in interest in this appeal is Travelocity.com LP, the assignee of the above-referenced patent application. Travelocity.com LP is currently a wholly-owned subsidiary of Sabre Inc.

2. ***Related Appeals and Interferences.***

There are no related appeals and/or interferences involving this application or its subject matter.

01/24/2005 HGUETHA1 00000025 09698077

01 FC:1402 500.00 0P

3. ***Status of Claims.***

After entry of the concurrently filed Amendment, Claims 29-33 and 35-40 are pending, all of which stand rejected.

4. ***Status of Amendments.***

Currently, an Amendment filed concurrently herewith is unentered. The Amendment cancels Claims 17-28, and pursuant to 37 C.F.R. § 1.116(b), Applicants respectfully request entry of the Amendment for purposes of this appeal.

5. ***Summary of Claimed Subject Matter.***

The present invention relates to methods for retrieving information, and for searching and retrieving information. *See* Pat. Appl., page 13, line 22 – page 17, line 17; and Fig. 7. The method includes sending or receiving a request identifying a first site, and range data defining a distance from the first site. For example, with the method of the claimed invention, a user may send the following request: “I want to know about Italian restaurants within 5 miles of Niagara Falls.” *Id.* at page 14, lines 8-9. After sending or receiving the request, trip planning information is selected based on the identified site(s) (e.g., Niagara Falls) and the range data (e.g., 5 miles), and thereafter received or otherwise output.

In another embodiment, the request identifies two sites of interest (e.g., Flagstaff and Phoenix) and a category of items of interest that the user may wish to visit when traveling between the two sites (e.g., hotels, restaurants, etc.). *Id.* at page 15, lines 6-13. In response to such a request, information associated with the first and second sites is selected based upon the type of location of interest and, if so desired, using a geometric shape (e.g., rhombus) generated based upon the first and second sites. *Id.*

In yet another embodiment, the request identifies a site and a type of location of interest, where trip planning information is selected based upon the site, the type of location of interest, and a range that may be variable. In this regard, the range can be determined based upon stored information associated with the type of location of interest, e.g., whether the location of interest

is the Empire State Building or Yellowstone National Park. *See, e.g.,* Pat. App. p. 14, lines 20-25. In addition, the range is variable in that it can be varied based on the number of locations of interest located within a predetermined distance of the site. In this regard, the range can be increased if the trip planning information for the current range does not include sufficient information relating to the identified type of location of interest. *See id.* at page 15, line 24 – page 16, line 2; and page 16, lines 17 – 24.

6. ***Grounds of Rejection to be Reviewed on Appeal.***

Following entry of the currently filed Amendment, pending Claims 29-33 and 35-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,682,525 to Bouve et al.

7. ***Argument.***

The Bouve patent discloses a system and method for remotely accessing a selected group of items of interest from a database. As described, a user can access a common database from a remote communications port, at any qualified location, to generate a map or other positional information which locates selected items of interest, e.g., businesses, stores, architectural sites, and the like. The database contains information representing the items of interest, including, for each item of interest, positional coordinates of the item, a geographic vicinity of the item, and a selected category of the item. The positional coordinates discretely locate the vicinity, while the vicinity specifies the exact locations of the items of interest in the selected category. For example, a user can select the display of sporting shops in the area surrounding Chicago O'Hare International Airport. In this regard, the Bouve patent discloses displaying a geographic vicinity about the user or a desired destination. More particularly, the Bouve patent discloses that the scope of the geographic vicinity for the items of interest is generally within walking distance of the user or desired destination. Column 6, lines 59-60 (although, at column 11, lines 11-14, the Bouve patent does indicate that the user can select a greater radius for display or another destination location).

A. Claims 29-31 and 38-40 are Patentable over Bouve

As recited by independent Claims 29 and 38, a method is provided for retrieving information, and searching and retrieving information, respectively. The method includes sending or receiving a request identifying at least a first site, a second site and a type of location of interest. Thereafter, information associated with the first and second sites is received or sent, where the information is selected based upon the type of location of interest. As recited in independent Claim 29 the information is selected using a geometric shape generated based upon the first and second sites, with independent Claim 38 specifically reciting generation of the geometric shape.

In contrast to the claimed invention of independent Claims 29 and 38, the Bouve patent does not teach or suggest sending or receiving a request identifying at least a first site and a second site. Also, the Bouve patent does not teach or suggest selecting information associated with the first and second sites using a geometric shape generated based upon the first and second sites. The Bouve patent discloses that a geographic vicinity is displayed about a center location comprising either the user location or a desired location. Thus, at most, the Bouve patent discloses receiving a request including a first site. And as indicated above, the geographic vicinity about the user or desired location is predefined. Thus, the Bouve patent selects information associated with a first site irrespective of any other site, much less a geographic shape generated based upon the first and second sites, as further recited by independent Claim 29.

For example, the Bouve patent may define a circle or rectangle of a predefined size about a single point, such as the user or desired location. In contrast, the claimed invention bases a region within which to select information upon two points, generating a geometric shape based upon the two points per Claim 38, and selecting information using a geometric shape generated based upon the two points per Claim 29.

The final Official Action alleges that by disclosing the search and retrieval of items of interest within a geographic vicinity about a desired destination, and subsequent search and retrieval of items of interest within a geographic vicinity about another destination, the Bouve

patent discloses receiving a request identifying a first site and a second site. Final Official Action, paper no. 27, at page 3. Applicants respectfully submit, however, that even in such an instance, the different destination locations represent different first sites in different requests, and not first and second sites in a given request. Further, even if the different destination locations were considered to be included within a given request, the Bouve patent still does not teach or suggest that the items of interest are selected based upon a geometric shape generated based upon the first and second sites. In this regard, as indicated above, the Bouve patent discloses that geographic vicinities are displayed about a desired location. Thus, even considering the different destination locations were considered first and second sites, the vicinity would still be separately defined based upon the destination location about which items of interest are currently retrieved.

Applicant respectfully submits, then, that the methods of independent Claims 29 and 38 are patentably distinct from the Bouve patent. And as dependent Claims 30-31 and 39-40 depend from independent Claims 29 and 38, respectfully, dependent Claims 30-31 and 39-40 include all of the limitations of a respective independent claim, and as such, are patentably distinct from the Bouve patent for at least the reasons given above in conjunction with independent Claims 29 and 38.

B. Claims 32, 33 and 35-37 are Patentable over Bouve

Independent Claims 32 and 35 of the present application recite methods for searching and retrieving information, and for retrieving information, respectively. As recited, the methods include receiving or sending a request including a site and a type of location of interest. Then, trip planning information is provided or received based upon the site, the type of location of interest, and a range. As recited by independent Claim 35, the range is variable. More particularly, as recited by independent Claim 32, the range is determined, including being varied based on the number of locations of interest located within a predetermined distance of the site. In addition, the range is based upon stored information associated with the type of location of interest, e.g., whether the location of interest is the Empire State Building or Yellowstone National Park. *See, e.g., Pat. App. p. 14, lines 20-25.*

For the sake of comparison only, the scope of the vicinity about either the user location or a desired location, as disclosed by the Bouve patent, can be considered to most readily correspond to a range, as recited by the claimed invention. In contrast to the methods of independent Claims 32 and 35, then, the Bouve patent does not teach or suggest that the scope of the vicinity is based upon a type of location of interest, or that the vicinity can be varied based upon the number of locations of interest located within a predetermined distance of the user location or desired location. Principally, the Bouve patent discloses that the scope of the vicinity about the user or desired location is predefined as within walking distance of the user or desired destination. In this instance, in contrast to the claimed invention, the Bouve patent does not teach or suggest that the scope of the vicinity is based on stored information associated with the type of location of interest (e.g., businesses, stores, architectural sites, etc.). Rather, the Bouve patent defines the scope of the vicinity as being set based upon a walking distance of the user, irrespective of the type of location of interest.

In further contrast to the claimed invention, by defining the scope of the vicinity as generally within walking distance of the user or desired destination, the Bouve patent does not disclose that the scope of the vicinity is variable, much less variable based upon the number of locations of interest located within a predetermined distance of the user location or desired location. As indicated above, the Bouve patent does disclose that the user can increase the displayed radius about the user location or desired location. Even in such an instance, however, the Bouve patent still does not teach or suggest that the displayed radius is increased based on the number of locations of interest located within a predetermined distance of the user location or desired location, in a manner similar to that of independent Claim 32. In addition, the Bouve patent does not disclose that the increased radius is based on stored information associated with the type of location of interest.

Like independent Claims 29 and 38, Applicant respectfully submits that the methods of independent Claims 32 and 35 are patentably distinct from the Bouve patent. Further, as dependent Claims 33 and 36-37 depend, directly or indirectly, from independent Claims 32 and 35, respectfully, dependent Claims 33 and 36-37 include all of the limitations of a respective

independent claim, and as such, are patentably distinct from the Bouve patent for at least the reasons given above in conjunction with independent Claims 32 and 35.

8. *Claims Appendix.*

The claims currently on appeal are as follows:

Claims 1-28 (Cancelled).

29. (Previously Presented) A method for retrieving information, comprising:  
sending a request identifying at least a first site, a second site and a type of location of interest; and

receiving information associated with the first and second sites and selected based on the type of location of interest and selected using a geometric shape generated based on the first and second sites.

30. (Previously Presented) The method of claim 29, wherein the information includes information related to locations of interest that are associated with the type of location of interest identified in the request, wherein the locations of interest are located within the geometric shape.

31. (Previously Presented) The method of claim 29, wherein the geometric shape is generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value.

32. (Previously Presented) A method for searching and retrieving information, comprising:

receiving a request including a site and a type of location of interest;

determining a range for the site based on stored information associated with the type of location of interest, wherein determining a range includes varying the range based on the number of locations of interest located within a predetermined distance of the site; and



providing trip planning information based on the range, the type of location of interest and the site.

33. (Previously Presented) The method of claim 32, wherein the trip planning information includes locations of interest located within the range of the site, and wherein the locations of interest are associated with the type of location included in the request.

34. (Cancelled).

35. (Previously Presented) A method for retrieving information, comprising:  
sending a first request including a site and a type of location of interest; and  
receiving trip planning information selected based on a range, the site and the type of location of interest, wherein the range is variable and is based on stored information associated with the type of location of interest.

36. (Previously Presented) The method of claim 35, wherein the trip planning information includes locations of interest located within the range of the site, and wherein the locations of interest are associated with the type of location of interest included in the request.

37. (Previously Presented) The method of claim 36, wherein the range is based on the number of locations of interest located within a predetermined distance of the site.

38. (Previously Presented) A method for searching and retrieving information, comprising:  
receiving a request identifying at least a first site, a second site and a type of location of interest;  
generating a geometric shape based on the first and second sites; and  
sending information associated with the first and second sites and selected based on the type of location of interest.

39. (Previously Presented) The method of claim 38, wherein sending information includes:

collecting information related to locations of interest that are associated with the type of location of interest identified in the request, wherein the locations of interest are located within the geometric shape.

40. (Previously Presented) The method of claim 38, wherein generating the geometric shape includes:

determining a first distance value between the first and second sites;  
performing a function on the first distance value to produce a second distance value; and  
generating the geometric shape based on the first and second distance values.

In re: Kenneth Wills  
Appl. No.: 09/698,077  
Filing Date: October 30, 2000  
Page 10

**CONCLUSION**

For at least the foregoing reasons, Applicant respectfully requests that the rejections be reversed.

Respectfully submitted,



Andrew T. Spence  
Registration No. 45,699

**CUSTOMER NO. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

"Express Mail" mailing label number EV 455678353US  
Date of Deposit January 18, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:  
Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
\_\_\_\_\_  
Andrew T. Spence